

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICKY WILLIAMS,

Plaintiff,

V.

TANG, INC., and LENG TANG,

Defendants.

CASE NO. 9:20-CV-76-RC-KFG

ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court referred this case to the Honorable Keith Giblin, United States Magistrate Judge, for all pretrial matters. On October 26, 2020, Judge Giblin issued a Report and Recommendation which recommended denying Defendants' Motion to Dismiss Plaintiff's First Amended and Substituted Complaint (Doc. #11) and granting Plaintiff's Motion to Dismiss Defendants' Counterclaims. (Doc. #12). To date, the parties have not filed objections to the report. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the court conducted a *de novo* review of the magistrate judge's report and the record in this cause. The court agrees with Judge Giblin's recommended disposition and **ACCEPTS** the Report and Recommendation (Doc. #17).

Therefore, Defendants' Motion to Dismiss Plaintiff's First Amended and Substituted Complaint (Doc. #11) is **DENIED**. Further, Plaintiff's Motion to Dismiss Defendants' Counterclaims (Doc. #12) is **GRANTED**. The counterclaims asserted in Defendants' answer (Doc. #8) are therefore **DISMISSED**, without prejudice. The Clerk is therefore directed to

terminate the parties' respective designations as counter-claimants and counter-defendants on the docket. All other claims remain pending.

So Ordered and Signed

Nov 14, 2020

A handwritten signature in cursive script, appearing to read "Ron Clark", written in black ink.

Ron Clark
Senior Judge